

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:16-cv-02517-CKK**

LEOPOLD et al v. OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE et al
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 12/26/2016
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JASON LEOPOLD

represented by **Jeffrey Louis Light**
LAW OFFICES OF JEFFREY LIGHT
1712 Eye Street, NW
Suite 915
Washington, DC 20006
(202) 277-6213
Fax: (202) 223-5316
Email: jeffrey@lawofficeofjeffreylight.com
ATTORNEY TO BE NOTICED

Plaintiff

RYAN NOAH SHAPIRO

represented by **Jeffrey Louis Light**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

**OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE**

represented by **Amy E. Powell**
DEPARTMENT OF JUSTICE
Civil Division
310 New Bern Avenue
Suite 800
Raleigh, NC 27601-1461
(919) 856-4013
Email: amy.powell@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Pezzi
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20530
(202) 305-8576
Fax: (202) 616-8470
Email: stephen.pezzi@usdoj.gov
TERMINATED: 09/28/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF JUSTICE
TERMINATED: 02/17/2017

represented by **Amy E. Powell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**CENTRAL INTELLIGENCE
AGENCY**

represented by **Amy E. Powell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Pezzi
(See above for address)
TERMINATED: 09/28/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**DEPARTMENT OF HOMELAND
SECURITY**

represented by **Amy E. Powell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Pezzi
(See above for address)
TERMINATED: 09/28/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

DEPARTMENT OF STATE

represented by **Amy E. Powell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stephen M. Pezzi
(See above for address)
TERMINATED: 09/28/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/26/2016	<u>1</u>	COMPLAINT against CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Filing fee \$ 400 receipt number 0090-4788146) filed by JASON LEOPOLD, RYAN NOAH SHAPIRO. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> Summons, # <u>4</u> Summons, # <u>5</u> Summons, # <u>6</u> Summons, # <u>7</u> Summons)(Light, Jeffrey) (Entered: 12/26/2016)
12/27/2016		Case Assigned to Judge Colleen Kollar-Kotelly. (sb) (Entered: 12/27/2016)
12/27/2016	<u>2</u>	SUMMONS (6) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, U.S. Attorney and U.S. Attorney General (Attachments # <u>1</u> Consent Form)(sb) (Entered: 12/27/2016)
01/03/2017	<u>3</u>	ORDER Establishing Procedures for Cases Assigned to Judge Colleen Kollar-Kotelly. Signed by Judge Colleen Kollar-Kotelly on January 3, 2017. (NS) (Entered: 01/03/2017)
02/17/2017	<u>4</u>	AMENDED COMPLAINT (<i>First</i>) against CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, DEPARTMENT OF STATE filed by JASON LEOPOLD, RYAN NOAH SHAPIRO.(Light, Jeffrey) (Entered: 02/17/2017)
02/17/2017	<u>5</u>	REQUEST FOR SUMMONS TO ISSUE re <u>4</u> Amended Complaint filed by JASON LEOPOLD, RYAN NOAH SHAPIRO. Related document: <u>4</u> Amended Complaint filed by JASON LEOPOLD, RYAN NOAH SHAPIRO.(Light, Jeffrey) (Entered: 02/17/2017)

02/21/2017	<u>6</u>	SUMMONS (1) Issued Electronically as to DEPARTMENT OF STATE. (znmw) (Entered: 02/21/2017)
02/22/2017	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 2/22/2017., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 2/22/2017. (Answer due for ALL FEDERAL DEFENDANTS by 3/24/2017.) (Light, Jeffrey) (Entered: 02/22/2017)
03/10/2017	<u>8</u>	NOTICE of Appearance by Stephen M. Pezzi on behalf of CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Pezzi, Stephen) (Entered: 03/10/2017)
03/20/2017	<u>9</u>	ANSWER to <u>4</u> Amended Complaint by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. Related document: <u>4</u> Amended Complaint filed by JASON LEOPOLD, RYAN NOAH SHAPIRO.(Pezzi, Stephen) (Entered: 03/20/2017)
03/21/2017	<u>10</u>	ORDER. Joint Status Report due April 10, 2017. Signed by Judge Colleen Kollar-Kotelly on 3/21/2017. (lcckk3) (Entered: 03/21/2017)
03/21/2017		Set/Reset Deadlines: Joint Status Report due by 4/10/2017. (dot) (Entered: 03/21/2017)
04/10/2017	<u>11</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Attachments: # <u>1</u> Dec. 14, 2016 Request to CIA, # <u>2</u> Dec. 15, 2016 Request to CIA)(Pezzi, Stephen) (Entered: 04/10/2017)
04/11/2017		MINUTE ORDER. The Court is in receipt of the parties' <u>11</u> Joint Status Report. The parties represent that the Defendants are in the process of determining how to respond to Plaintiffs' requests, including analyzing whether they will need to issue Glomar responses and how to best search for responsive records. The parties are currently discussing potentially narrowing or clarifying Plaintiffs' requests, and ask to be permitted to submit a further status report on or before May 10, 2017. Accordingly, the parties are ORDERED to file a further status report by no later than MAY 10, 2017, updating the Court on the parties' progress negotiating the scope of Plaintiffs' requests and Defendants' progress in responding to those requests. Signed by Judge Colleen Kollar-Kotelly on 4/11/2017. (lcckk3) (Entered: 04/11/2017)
04/11/2017		Set/Reset Deadlines: Joint Status Report due by 5/10/2017. (dot) (Entered: 04/11/2017)
05/10/2017	<u>12</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Pezzi, Stephen) (Entered: 05/10/2017)
05/10/2017		MINUTE ORDER. The Court is in receipt of the parties' <u>12</u> Joint Status Report. The parties represent that they have made progress in negotiating the scope of Plaintiffs' FOIA requests and in preparing adequate searches that will result in Plaintiffs receiving any documents to which they are entitled while avoiding unreasonable burden on the Defendants, and that these discussions are ongoing. The parties further represent that it would be premature at this time to set a summary judgment briefing schedule. At the parties' request, the Court sets the following schedule: Defendants shall formally respond to Plaintiffs' FOIA requests with any partial Glomar responses by no later than JUNE 23, 2017. Additionally, one or more Defendants shall make an initial production of responsive documents to Plaintiffs by no later than JUNE 23, 2017, and one or more Defendants shall then make rolling productions once every six weeks thereafter. The parties shall submit a Joint Status Report updating the Court on the parties' progress negotiating the scope of Plaintiffs' requests and Defendants' progress in responding to those requests by no later than SEPTEMBER 29, 2017. Signed by Judge Colleen Kollar-Kotelly on 5/10/2017. (lcckk3) (Entered: 05/10/2017)

05/10/2017		Set/Reset Deadlines: Defendants shall formally respond to Plaintiffs' FOIA requests with any partial Glomar responses by no later than 6/23/2017; One or more Defendants shall make an initial production of responsive documents to Plaintiffs by no later than 6/23/2017; Joint Status Report due by no later than 9/29/2017. (kt) (Entered: 05/10/2017)
06/23/2017	<u>13</u>	Consent MOTION for Extension of Time to <i>Invoke Any Partial Glomar Responses</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Attachments: # <u>1</u> Text of Proposed Order)(Pezzi, Stephen) (Entered: 06/23/2017)
06/26/2017		MINUTE ORDER. The Court is in receipt of Defendants' <u>13</u> Consent Motion for an Extension of Time. Defendants request a one week extension of time to invoke any partial Glomar responses in response to Plaintiffs' FOIA requests because Defendants need additional time to discuss and decide the appropriate breadth of any such responses. Defendants' motion is untimely, as it was made the same day as the affected deadline, but they represent that the need for the extension was not apparent until that day. This is the first motion for an extension of time filed in this case, and Plaintiffs consent. Accordingly, Defendants' motion is GRANTED. Defendants may formally invoke any partial Glomar responses by no later than JUNE 30, 2017. Signed by Judge Colleen Kollar-Kotelly on 6/26/2017. (lcckk3) (Entered: 06/26/2017)
09/28/2017	<u>14</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Amy E. Powell on behalf of All Defendants Substituting for attorney Stephen Pezzi (Powell, Amy) (Entered: 09/28/2017)
09/29/2017	<u>15</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Powell, Amy) (Entered: 09/29/2017)
09/29/2017		MINUTE ORDER. The Court is in receipt of the parties' <u>15</u> Joint Status Report. The parties represent that Defendants have made three productions of documents to Plaintiffs and that Defendants will continue to make rolling productions every six weeks. The parties propose filing their next status report after three more document productions. The parties shall submit a Joint Status Report updating the Court on Defendants' progress processing Plaintiffs' FOIA requests by no later than JANUARY 26, 2018. Signed by Judge Colleen Kollar-Kotelly on 9/29/2017. (lcckk3) (Entered: 09/29/2017)
09/29/2017		Set/Reset Deadlines: Joint Status Report due by 1/26/2018. (dot) (Entered: 10/03/2017)
01/26/2018	<u>16</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Powell, Amy) (Entered: 01/26/2018)
01/29/2018		MINUTE ORDER. The Court is in receipt of the parties' <u>16</u> Joint Status Report. The parties represent that the four Defendant agencies have made some rolling productions to Plaintiffs and will continue to make rolling productions every six weeks. Each Defendant agency is at a different stage of its search for and processing of responsive records. The parties propose to file another Joint Status Report on March 2, 2018 regarding the status of the Office of the Director of National Intelligence's ("ODNI") processing of Plaintiff's FOIA requests in particular, and then another Joint Status Report on October 5, 2018 regarding the status of all Defendant agencies' efforts to process Plaintiff's requests. The parties are accordingly ORDERED to file another Joint Status Report on MARCH 2, 2018 regarding the status of the ODNI's processing of Plaintiff's FOIA requests in particular, and then another Joint Status Report on OCTOBER 5, 2018 regarding the status of all Defendant agencies' efforts to process Plaintiff's requests. Signed by Judge Colleen Kollar-Kotelly on 1/29/2018. (lcckk3) (Entered: 01/29/2018)
01/29/2018		Set/Reset Deadlines: Joint Status Report due by 3/2/2018, and then another 10/5/2018. (dot) (Entered: 01/30/2018)

03/05/2018	<u>17</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Powell, Amy) (Entered: 03/05/2018)
03/06/2018		MINUTE ORDER. The Court is in receipt of the parties' <u>17</u> Joint Status Report. The parties represent that the Office of the Director of National Intelligence ("ODNI") has been reviewing documents that it has collected for responsiveness, and has made rolling productions to Plaintiffs. However, as a result of its document review, ODNI has discovered that it needs to conduct additional searches. ODNI intends to complete those new searches and the review of any documents that it finds by May 30, 2018. The parties agree that ODNI will continue to make rolling productions in accordance with the Court's scheduling orders. The parties suggest filing another Joint Status Report on or before October 5, 2018, the date on which the next Joint Status Report regarding all of the other Defendant agencies' efforts to process Plaintiffs' requests is due. The parties are ORDERED to file another Joint Status Report regarding ODNI's progress processing Plaintiffs' FOIA requests by no later than OCTOBER 5, 2018. Signed by Judge Colleen Kollar-Kotelly on 3/6/2018. (lcckk3) (Entered: 03/06/2018)
03/06/2018		Set/Reset Deadlines: Joint Status Report due by 10/5/2018. (dot) (Entered: 03/06/2018)
10/05/2018	<u>18</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Powell, Amy) (Entered: 10/05/2018)
10/05/2018		MINUTE ORDER. The Court is in receipt of the parties' <u>18</u> Joint Status Report. The parties represent that the Department of Homeland Security, the Department of State, and the Central Intelligence Agency have completed processing of Plaintiffs' FOIA requests. But, the Office of the Director of National Intelligence ("ODNI") is continuing to make rolling productions in accordance with the Court's scheduling orders. ODNI expects to complete processing and production by November 5, 2018. The parties agree that ODNI should complete production and the parties should continue discussing ways to narrow or clarify any issues concerning Plaintiffs' FOIA requests. The parties are ORDERED to file another Joint Status Report regarding Defendants' progress processing Plaintiffs' FOIA requests by no later than NOVEMBER 30, 2018. Signed by Judge Colleen Kollar-Kotelly on 10-5-2018.(lcckk3) (Entered: 10/05/2018)
10/05/2018		Set/Reset Deadlines: Joint Status Report due by 11/30/2018. (dot) (Entered: 10/09/2018)
11/30/2018	<u>19</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Powell, Amy) (Entered: 11/30/2018)
11/30/2018		MINUTE ORDER. The Court is in receipt of the parties' <u>19</u> Joint Status Report. The parties represent all Defendants have now completed processing and production of Plaintiffs' FOIA requests. Plaintiffs require additional time to review the produced material and the parties both require additional time to narrow or clarify issues which may require judicial resolution. The Court ORDERS the parties to file another Joint Status Report by JANUARY 15, 2019, proposing next steps for the resolution of this case. Signed by Judge Colleen Kollar-Kotelly on 11/30/2018. (lcckk3) (Entered: 11/30/2018)
11/30/2018		Set/Reset Deadlines: Joint Status Report due by 1/15/2019, proposing next steps for the resolution of this case. (dot) (Entered: 12/03/2018)
01/04/2019	<u>20</u>	Unopposed MOTION to Stay <i>Joint Status Report Deadline</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF JUSTICE, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE (Powell, Amy) (Entered: 01/04/2019)
01/04/2019		MINUTE ORDER. The Court is in receipt of Defendants' <u>20</u> Unopposed Motion for a Stay of Joint Status Report Deadline in Light of Lapse of Appropriations. As of December 21, 2018, the appropriations act that had been funding the Department of

		Justice expired and appropriations lapsed. The same is true for some of the federal Defendants. Absent appropriations, Department of Justice attorneys are prohibited from working except in circumstances which do not apply to this case. The parties' Joint Status Report is due January 15, 2019, and Defendants request a stay of this deadline until Congress has restored appropriations. Defendants' Motion is GRANTED. Defendants are ORDERED to file a status report within seven days of the restoration of appropriations, requesting any necessary extensions of deadlines. Signed by Judge Colleen Kollar-Kotelly on 01/4/2019. (lcckk3) (Entered: 01/04/2019)
01/07/2019		Case STAYED. (kt) (Entered: 01/07/2019)
01/30/2019	<u>21</u>	STATUS REPORT of <i>Restoration of Appropriations</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Powell, Amy) (Entered: 01/30/2019)
01/31/2019		MINUTE ORDER. The Court is in receipt of the Defendant's <u>21</u> Status Report. On January 4, 2019, the Court stayed this case due to a lapse in appropriations to the Department of Justice. Defendant reports that appropriations have now been restored. Accordingly, the Court ORDERS the stay be lifted. The Court further ORDERS the parties to file a Joint Status Report by FEBRUARY 14, 2019, proposing next steps for the resolution of this case. The parties should continue to confer in the attempt to narrow or clarify the issues appropriate for judicial resolution. Signed by Judge Colleen Kollar-Kotelly on 1/31/2019. (lcckk3) (Entered: 01/31/2019)
02/14/2019	<u>22</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF HOMELAND SECURITY, DEPARTMENT OF STATE, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE. (Powell, Amy) (Entered: 02/14/2019)